

# THE ISLAMIC VIEW TOWARD PEOPLE WITH DISABILITIES IN EDUCATION POLICY IN INDONESIA

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**Abstract:** Islam views a person before Allah. It is not because of the physical, but the taq. Thus, individual has equal rights and obligations in this case, education. Along with the statements within Statute Number 20 in 2003, it stated that "every citizen has the same right to obtain good quality of education." It is understandable that every citizen can obtain an education and without exception, including those with disabilities. Through the library research method derived from books, laws and research journals, this paper describes how Islam views toward people with disabilities in education policy in Indonesia. Based on this study, it is well known that in Islam the human standing before God is the same as the person of disability who differentiates only his faith and his taq. Education in Islam is a human right and duty. Education in Indonesia is policy that regulates education for those with disabilities.

**Keywords:** Islam, Disability, Policy, Education

## INTRODUCTION

If it people can chose, no one want to be born in imperfect condition, either for the physic, mentally or others. The point is that some others can perfect some others. These people are often referred to as people with disabilities. The term person with disability has experienced a change or "refinement" from the previous term which has many negative connotations, namely "disabled". The word "disabled" if searched for in the Indonesian General Dictionary has several meanings, including<sup>1</sup> (1) deficiencies that cause inferior or imperfect quality (found in objects, mind, or morals, (2) blisters (damage, stains) that cause the condition to be less good (imperfect), (3) blemishes or disgrace; (4) imperfect/based on the results of the above understanding, it can be considered that the word "disabled" which is for humans who have obstacles and limitations in ability is very inappropriate. Allah has created man completely from other

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<sup>1</sup> Akhmad Soleh, *Aksesibilitas Penyandang Disabilitas Terhadap Perguruan Tinggi Studi Kasus Terhadap Empat Perguruan Tinggi Di Yogyakarta*, 1st ed. (Yogyakarta: LKis Pelangi Aksara, 2016), 17.

creatures. It is inappropriate for us to use the term "disabled" towards humans, according to the word of God in surah at-Tin verse 4 which means "Indeed, We created man in the best form"<sup>2</sup>

Indonesian Laws Number 20 Year 2003 about National Education System Chapter IV regarding Rights and Obligations of Citizens/society, Parents, Communities and Government Article 5 namely, "every citizen has the same right to obtain good quality of education". The law means that it applies to every Indonesian citizen without exception of people with disabilities. People with disabilities also have the right to obtain quality education. Then, how does Islam see the rights of persons with disabilities in educational policies in Indonesia? Based on the description above, the writer tries to describe about how Islam views people with disabilities in education policy in Indonesia.

## RESULT AND DISCUSSION

The definition of "people with disabilities" in RI laws Number 4 Year 1997 about People with Disability, Article 1 Section 1 is "Individual who has a physical and/or mental disability, which can interfere or is an obstacle and an obstacle for him to do properly, which consists of: a) physically handicapped; b) people with mental disabilities; c) people with physical and mental disabilities."<sup>3</sup>

Beside The term of "people with disabilities" above, there is also the term "disabled (ketunaan)" which is from the word "tuna". it is from ancient Javanese language which means broken or loss. In line with the meaning, in the Indonesian dictionary the word 'tuna' means wound; broken; less; do not have'.<sup>4</sup>

The term of disabled used by Indonesian people before 1990 got critics from Indonesian disability movement activist. Furthermore, in 1998 a new term was formulated, namely *difable* which is an acronym for differently able people, which means people who have different abilities. This term is considered more appropriate and humane considering that humans are created by Allah by bringing the uniqueness of each and different women who make them not the same as other humans.<sup>5</sup> The term persons with disabilities according to Law No. 8 of 2016 Article 1 is every person who experiences physical, intellectual, mental,

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<sup>2</sup> Ibid., 32.

<sup>3</sup> Undang-Undang RI Nomor 4 Tahun 1997 Tentang Penyandang Cacat, n.d., 2.

<sup>4</sup> Khairunnas Jamal, Nasrul Fatah, and Wilaela Wilaela, "Eksistensi Kaum Difabel Dalam Perspektif Al-Qur'an," *Jurnal Ushuluddin* 25, no. 2 (December 14, 2017): 223, doi:10.24014/jush.v25i2.3916.

<sup>5</sup> Tim Penyusun et al., *Fiqh Penguatan Penyandang Disabilitas*, 1st ed. (Jakarta: Lembaga Bahtsul Masail PBNU, 2018), 20.

and/or sensory limitations in the long term that in interacting with the environment can experience obstacles and difficulties in participating fully and effectively with other citizens based on equal rights.<sup>6</sup>

Policy from the etymology is from English, 'policy'. Whereas if interpreted as education policy which is a merger between Education and Policy. Policy means the rules that should be followed indiscriminately, bind to anyone who is intended to be bound by the policy.<sup>7</sup> based on Gaffar, education policy is related to decisions relating to the improvement of the administration of education.<sup>8</sup>

In Indonesia, there are many policies about people with disabilities. However, the existence of many of these policies does not guarantee that people with disabilities can be served well. The existence and rights of people with disabilities in Indonesia have been guaranteed in Law Number 4 Year 1997 concerning Disabled and Act Number 8 of 2016 concerning Disabled People. UN Convention on the Rights of the Child 1989. Declaration of Education for All in Thailand 1990. Salamanka Agreement on Inclusive Education 1994. Law No. 4 concerning Disabled People in 1997. Law No. 23 concerning Protection of Children's Rights in 2003. PP No. 19 of the 2003 National Education Standards. Bandung Declaration on Towards Inclusive Education in 2004.<sup>9</sup>

There are three foundations of inclusion education which are<sup>10</sup> (1) philosophical foundation, the Indonesian nation has a variety of cultures, ethnicities, ethnicities, languages, customs, beliefs. However, despite many differences, the Indonesian people still uphold the unity and integrity of the Republic of Indonesia. In accordance with the symbol of the Garuda Bird which means "Bhienika Tunggal Ika"; (2) then, in the Islamic view which asserts that: humans are born in a sacred state, the glory of a person before God is not physical but taqwa, Allah will not change a people unless the people themselves and humans are created differently for mutual friendship (inclusive ); (3) The universal view of human rights, states that every human being has the right to a decent life, the right to education, the right to health, the right to work.

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<sup>6</sup> Undang-Undang Republik Indonesia Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas (Balai Penerbitan Braille Indonesia (BPBI) "Abiyoso", 2017, n.d.), 2.

<sup>7</sup> Mohammad Emnis Anwar, "Menelusuri Kebijakan Pendidikan Islam Di Indonesia," *Edukasi Islami: Jurnal Pendidikan Islam* 3, no. 05 (2017): 43, doi:10.30868/EI.V3I05.43.

<sup>8</sup> Lantip Diat Prasajo, "Financial Resources Sebagai Faktor Penentu Dalam Implementasi Kebijakan Pendidikan," *Internasional Manajemen Pendidikan* 4 No. 02 (2010): 22, <https://journal.uny.ac.id/index.php/jimp/article/view/741/585>.

<sup>9</sup> Mukhtar Latif et al., "Lokasi: Orientasi Baru Pendidikan Anak Usia Dini," *Kencana* § (2013), 318, <https://onesearch.id/Record/IOS3.INLISooooo0000000005>.

<sup>10</sup> Direktorat Pembinaan Pendidikan Khusus dan Layanan Khusus, *Pedoman Umum Penyelenggaraan Pendidikan Inklusi ( Sesuai Pemendiknas No 70 Tahun 2009)* (Direktorat Pembinaan Pk-Lk, 2013), 11.

Furthermore, in line with the opinion above, according to Suparno, he also developed opinions that were not much different; (1) Education is a fundamental right for every child, including children with special needs; (2) children are unique personalities who have characteristics, different interests, abilities and learning needs; (3) the implementation of education becomes a joint responsibility between the parents of the community and the government; (4) every child has the right to receive proper education; (5) every child has the right to obtain access to education in the surrounding environment.<sup>11</sup>

Based on some views from philosophical foundation, it can be considered that differences in an individual both in terms of physical, cultural, beliefs, customs and others can not be a reason that an individual can not be adhered to properly. They have the same rights and obligations in obtaining a decent living in terms of education, health and employment aspects. Islam also views that the glory of a person before Allah is not because of his physical but from the degree of devotion of His servants.

In addition to philosophical foundation, There are juridical foundations including the 1945 Constitution (Amendment) article 31: (1) reads 'every citizen has the right to obtain education. (2) 'every citizen is required to attend basic education and the government is required to finance it'. Law no. 23 of 2002 concerning Child Protection, article 48 'the government is required to provide basic education of at least 9 (nine) years for all children. Article 49 "The state, government, family and parents are obliged to provide the widest possible opportunity for children to obtain education". Lae no. 20 of 2003 concerning the National Education System. Article 5 paragraph (1) 'every citizen has the same right to obtain quality education'. Paragraph (2): Citizens who have physical, emotional, mental, intellectual and/or social disabilities are entitled to special education. Article 32 paragraph (1) "Special education is education for students who have difficulty in following the learning process due to physical, emotional, mental, social, and/or potential disabilities and special talents." Paragraph (2) 'Special service education is education for students in remote or backward areas, indigenous peoples who are remote, and/or experiencing natural disasters, social disasters, and are unable to be economical.' In the explanation of Article 15, the last paragraph explains that ' Special education is the provision of education for students with disabilities or students who have exceptional intelligence that is held inclusively or in the form of special education units at primary and

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<sup>11</sup> Suparno Suparno, "Pendidikan Inklusif Untuk Anak Usia Dini," *JPK (Jurnal Pendidikan Khusus)* 7, no. 2 (2010): 10, doi:10.21831/JPK.V7i2.775.

secondary education levels'. Article 45 Paragraph (1) "Every formal and non-formal education unit provide facilities and infrastructure that meet educational needs in accordance with the growth and development of the physical, intellectual, social, emotional, and psychological potential of learners."<sup>12</sup>

Beside the legal basis above, there are also Juridical foundation refers to: 1) UUSPN No. 20 of 2003, Article 5 Paragraph (1), (2); 2) 1945 Constitution Article 31 Paragraphs (1) & (2), and (3); 3) Government Regulation Number 17 of 2010, concerning Management and Implementation of Education; 4) Permen Number 70 of 2009, concerning Inclusive Education; 5) Declaration of human rights, 1948; 6) Child rights conference, 1989; 7) World conferences on education education for all, 1990; 8) UN Resolution number 48/96 of 1993; 9) Equal opportunity for people with disabilities; 10) Salamanca (1994) Statement on Inclusive Education Dakar Commitment (2000) regarding education for all. Bandung Declaration (2004) & Bukittinggi Recommendations (2005) "inclusive education" commitment.<sup>13</sup>

Based on some opinions about juridical view above, it can also be considered that there have been many policies and regulations contained in laws and government regulations regarding equal rights and protection for persons with disabilities. Furthermore, for the empirical foundation, it consist of; 1) Declaration of Human Rights, 1948 ; 2) Convention on the Rights of the Child, 1989; 3) World Conference on Education for All, 1990; 4) UN Resolution 48/96 of 1993 concerning the Equal Opportunities for Persons with Disabilities (the standard rules on the equalization of opportunities for persons with disabilities); 5) Salamanca Statement on Inclusive Education, 1994 ; 6) The Dakar Commitments on Education for All, 2000 (The Dakar Commitment on Education for All); 7) Bandung Declaration (2004) with a commitment "Indonesia towards inclusive education".<sup>14</sup> From the above explanation which has provided a clear legal basis on how to implement inclusive education which is indeed a necessity that cannot be delayed any longer and must be realized immediately.

Educational Rights of People with disabilities according to Law No. 8 of 2016 concerning Disabled People Article 10 covering rights; a) get quality education at education units in all types, lines and levels of education in an inclusive and

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<sup>12</sup> Khusus, *Pedoman Umum Penyelenggaraan Pendidikan Inklusi ( Sesuai Pemendiknas No 70 Tahun 2009)*, 11–12.

<sup>13</sup> Suparno, "Pendidikan Inklusif Untuk Anak Usia Dini | Suparno | JPK (Jurnal Pendidikan Khusus)," *Pendidikan Khusus* 7, no. 2 (2010): 10–11, <https://journal.uny.ac.id/index.php/jpk/article/view/775>.

<sup>14</sup> Khusus, *Pedoman Umum Penyelenggaraan Pendidikan Inklusi ( Sesuai Pemendiknas No 70 Tahun 2009)*, 12.

specific manner; b) have the same opportunity to become educators or education personnel in education units in all types, lines and levels of education; c) have equal opportunities as providers of quality education in education units in all types, lines and educational fields; d) get proper accommodations as students.<sup>15</sup> Based on the description of the rights of persons with disabilities in the field of education above, it can be considered that people with disabilities also have the same rights in obtaining education without discrimination in terms of opportunities, the quality of education, the provision of education and adequate accommodation. However, not all education providers understand about this, which is the rights of persons with disabilities in the field of education.

Furthermore, the facilities which will be built should be able to function well and can be reached by people with disabilities. This is important in order to realize equality of position, rights and obligations for persons with disabilities, but all of these facilities and infrastructure are easily accessible, as stated in Law Number 4 of 1997 concerning People with Disabilities in Article 1 Chapter I stating that "accessibility is the facilities provided for people with disabilities to realize equality of opportunity in all aspects of life and livelihood."<sup>16</sup>

RI Law number 20 Year 2003 concerning National Education System Chapter IV about Rights and Obligations of Citizens, Parents, Communities and Government Article 5 namely; 1) every citizen has the same right to obtain good quality of education; 2) citizens who have physical, emotional, mental, intellectual, and/or social disabilities are entitled to special education; 3) citizens in remote or backward areas and remote indigenous peoples are entitled to special education services; 4) citizens who have special intelligence and talent potential are entitled to special education services; 5) every citizen has the right to have the opportunity to improve lifelong education.<sup>17</sup>

Based on the description of problem above, then the scholars thoroughly answer as follows,<sup>18</sup> First, about the policies of educational institutions or taklim assemblies. An educational institution is required to provide facilities or be a facilitator in these educational activities as long as the educational institution or assembly clearly accepts persons with disabilities. It is different if the educational

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<sup>15</sup> *Undang-Undang Republik Indonesia Nomor 8 Tahun 2016 Tentang Penyandang Disabilitas*, 11.

<sup>16</sup> *Undang-Undang RI Nomor 4 Tahun 1997 Tentang Penyandang Cacat*, 2.

<sup>17</sup> Departemen Pendidikan Nasional RI, *Undang-Undang Republik Indonesia Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional* (Departemen Pendidikan Nasional RI, 2003).

<sup>18</sup> Tim Penyusun et al., *Fiqih Penguatan Penyandang Disabilitas*, 157-64.

institution or *taklim* assembly does not pursue the policy of accepting persons with disabilities, the provision of facilitators is not required.

Second, it is about providing education about the rights of people with disabilities. It is important to conduct socialization on the rights of persons with disabilities both from the government and Islamic organizations, in this case Nahdatul Ulama, Muhammadiyah, and other mass organizations. Islam views limitations as not something that is despicable. Even Islam views people with disabilities and non-disabled as having the same obligations in carrying out the obligations. Then in the book *Zahratul al-Tafasir*: 2/769 explained, which means: equality between rights and obligations is not limited between cases of men and women. Based on this principle Islam sets the sentence of a slave half of the sentence of an independent human being. In addition, the aspect of worship in this case is prayer.

This equality of rights is reiterated in the *Al-Qurtubi Tafsir* which can be concluded that the obstacles experienced by people with disabilities will not abolish the obligation to pray. Thus, a person with a disability may become a priest even if he loses one of his limbs, such as the eye. The majority of scholars agree on this. As narrated by Anas RA narrated that the Prophet Muhammad SAW made Umami Maktum a priest of prayer while he was a blind person. Likewise with the disabilities of people with disabilities and people with *kebirin* (also allowed to be priests) both *qiyas* and *nadzar*. Your God knows. Then, in another example how the Messenger of Allah also gave Abdullah bin Umm Maktûm an opportunity as a muezzin, besides Bilal bin Rabbah. Based on the history of Imam Abû Dâud who originated from 'Aisha r.a.:" From Aisha: Verily Abdullâh ibn Umami Maktûm is a muezzin of Rasulullah SAW. and he is blind."<sup>19</sup> based on some examples above, it can be understood that Islam also gives equal equality to persons with disabilities in this case is the field of Islamic religion. The Rasul gave an example by giving his trust to Bilal bin Rabbah who came from among the slaves who were often considered inferior then Abdullah bin Umm Maktûm who was a person with disabilities, but they were given the confidence by the Apostle to become a muezzin.

Three, it is about the law provides for school exam materials that are not permissible. For example, by giving a listening test for deaf students. As the word of Allah SWT in Q. At-Thalaq: 7, which means: "Allah will not burden a servant

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<sup>19</sup> Khairunnas Jamal, Nasrul Fatah, and Wilaela Wilaela, "Eksistensi Kaum Difabel Dalam Perspektif Al-Qur'an," *Jurnal Ushuluddin* 25, no. 2 (December 14, 2017): 231, doi:10.24014/jush.v25i2.3916.

unless according to what is given." For this reason the school must adjust to the level of ability or level of disability of students.

Fourth is about state responsibility for the education of persons with disabilities. The state is responsible for the education of people with disabilities, especially in this case religious education. However, what if the state does not carry out its responsibilities? the responsibility then rests with the individual or related parties who understand the disability problem. Islam in its literature recognizes the concept of "maslahah and mafsadah known by some people." people who know have to fight for the problem and prevent people from certain mafsadah.

Based on the explanation above, it can be interpreted that in the field of education according to the Islamic view of persons with disabilities has the right to obtain proper education, has the right to obtain facilities and accessibility in accordance with their abilities, people with disabilities also have the same equality in being a prayer leader besides the state is also responsible for the education of persons with disabilities but if the state is unable or not ready. Then, the responsibility is transferred to individuals or related parties who understand the problem. According to Tirmidhi's Hadith No. 2606, Rasulullah sallallahu 'alaihi wasallam said:

"Whoever goes the way of seeking knowledge ... leads him to heaven and the angels will lay their wings in pleasure of the seeker of knowledge ... the knowledge will be asked for forgiveness by (makhluk) in the heavens and the earth until the fish in the water, virtue ... those who have knowledge of worshipers are like the moon's virtue over all the stars, in fact scholars ... heirs to the prophet and indeed the prophets did not inherit the dinar and dirham, they only inherited knowledge."<sup>20</sup>

The word of Allah in Q.S Abasa 1-2 discusses about people with disabilities, the verse refers to protection and protection. Even the prophet Muhammad SAW received a reprimand for his behavior that did not heed the arrival of a blind person, so the lowering of the verse which means<sup>21</sup> that "He (Muhammad) was surly and turned away. Because a blind person has come to him ". Furthermore according to the majority of scholars the commentary explains that this verse was revealed to have originated from the arrival of a blind person (visually impaired) named 'Abdullâh bin Ummi Maktûm to the Messenger of Rasulullah W. Interrupting his conversation to get information about the religion of Islam,

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<sup>20</sup> "Hadits Tirmidzi No. 2606," accessed July 18, 2019, <https://tafsirq.com/topik/hadis+keutamaan+menuntut+ilmu>.

<sup>21</sup> Jamal, Fatah, and Wilaela, "Eksistensi Kaum Difabel Dalam Perspektif Al-Qur'an," 230.



while at that time the Prophet Muhammad. was busy receiving guests of the officials of Quraysh in the hope they would get guidance and embrace Islam. With these situations and conditions the Prophet Muhammad. immediately showed ignorance and a sour expression on his face. That is why then the verse came down.<sup>22</sup>

After the verse came, The Prophet always said: "Welcome to the person who caused my Rabb to rebuke me for it," then the Prophet spread his turban for the seat of Abdullâh bin Umm Maktûm. Then after that the Prophet appointed and gave trust to Abdullâh bin Umm Makt to occupy the post of mayor, and he was the second person in the beginning of Islam before the migration which the Prophet sent as a missionary or preacher to Medina.<sup>23</sup>

A Prophet can get a reprimand as told in the verse above which can then be understood that we should not ignore someone even if the person is not from the righteous or high social class. Moreover, in this case, it does not heed the arrival of a person with a disability who needs our help. Muslim Hadith Number 4651<sup>24</sup> "Allah Truly does not look at your appearance and wealth, but Allah looks at your heart and your deeds." In social relation, the existence of people with disabilities is not a problem or an obstacle for those around him. Q.S An-Nur verse 61 means "There is no obstacle to the blind, nor to the crippled man, nor to the sick, nor to yourself, to eat with them in your own house, to eat (with them) at home. either you or your father's house, your mother's house, your brother's house, your sister's house, in your father's brother's house, in your father's brother's house, in your brother's house your mother is a man in the house of your mother's sister, in the house that you have the key or in the house of your friends. There is no obstacle for you to eat with them or alone. So when you enter (a house from) houses (this) you should greet (its inhabitants, which means greeting) yourself, greetings that are set before God, who are blessed with good again. Thus Allah explains the verses for you, so that you understand them."<sup>25</sup>

Based on the reason the verse was revealed was that there was a man with a blind eyes, a cripple and a sick person coming to his father's house, or to his brother's house or to his sister's house, or to his uncle's house, or to his aunt's house. Seeing that, some people who are weak economically objected and said

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<sup>22</sup> Ibid.

<sup>23</sup> Akhmad Sholeh, "Islam Dan Penyandang Disabilitas : Telaah Hak Aksesibilitas Penyandang Disabilitas Dalam Sistem Pendidikan Di Indonesia," *Palastren Jurnal Studi Gender* 8, no. 2 (March 31, 2016): 311, doi:10.21043/PALASTREN.V8I2.968.

<sup>24</sup> "Hadits Muslim Nomor 4651," accessed July 18, 2019, <https://tafsirq.com/hadits/muslim/4651>.

<sup>25</sup> Andayani, *Disabilitas Dan Pendidikan Tinggi: Bunga Rampai Penelitian* (Yogyakarta: Samudra Biru, 2013), 7-8.

that these people were taken to someone else's house and then came down this verse. (HR. Abdurrazzaq).<sup>26</sup> Whereas the existence of persons with disabilities is not an obstacle or a barrier for those around them.

People with disabilities has the same right in education set out in the 'Convention on the Rights of Persons with Disabilities' article 24 on Education, including:<sup>27</sup> States parties recognize the right of persons with disabilities to education in order to fulfill this right without discrimination and based on equal opportunities. States parties must guarantee an inclusive education system at all levels and targeted life-long learning. The application of inclusive education is expected to be a non-discriminatory educational solution that can involve all students both with physical, mental and socio-economic barriers together with peers in one class.

## CONCLUSION

Based on explanation above, it can be concluded that individual's position of Allah is the same. The difference is the level of faith and taqwa. Islam views education as a right and obligation for human beings, including persons with disabilities, although there are some reliefs that adjust according to their abilities. Allah will elevate His servants who seek knowledge. Persons with disabilities are entitled to receive proper education, are entitled to facilities and accessibility that are in accordance with their abilities, persons with disabilities also have the same equality in prayer prayer besides the state is also responsible for the education of persons with disabilities but if the state is unable or not ready then the responsibility The transfer is to individuals or related parties who understand the problem.

In Indonesia, there are several policies which rule about rights and obligation for people with disabilities in Education in Indonesia. They are Law Number 4 of 1997 concerning Disabled and Act Number 8 of 2016 concerning Disabled Persons. UN Convention on the Rights of the Child 1989. Declaration of Education for All in Thailand 1990. Salamanka Agreement on Inclusive Education 1994. Law No. 4 concerning Disabled People in 1997. Law No. 23 concerning Protection of Children's Rights in 2003. PP No. 19 of the 2003 National Education Standards. Bandung Declaration on Towards Inclusive Education in 2004. Inclusive education is expected to be one of the solutions in carrying out non-

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<sup>26</sup> Ibid., 358.

<sup>27</sup> "Pengesahan Convention On The Rights Of Persons With Disabilities (Konvensi Mengenai Hak-Hak Penyandang Disabilitas)," Pub. L. No. Undang-Undang RI Nomor 19 Tahun 2011, 16 (2011), 16.

discriminatory education which can provide the broadest opportunities for children with barriers to interact and develop their potential together with regular children.

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